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C O N F I D E N T I A L SECTION 01 OF 03 LILONGWE 000280

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SUBJECT: MALAWI: COUP RUMORS, ARRESTS CLOUD POLITICAL NEGOTIATIONS

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Classified By: DCM KEVIN SULLIVAN FOR REASONS 1.4 (b)(d)

11. (C) Summary: Five prominent members of the opposition United Democratic Front (UDF) party and three active duty generals in the Malawi Defense Forces (MDF) have been detained in connection with an alleged plot to overthrow President Mutharika. The arrests occurred on May 13, casting a long shadow over once-promising negotiations between opposition parties and the GOM to resolve the long-standing paralysis of parliament (reftel). A document purporting to detail the alleged plot says the UDF would first attempt to impeach Mutharika and if that failed would resort to a forceful takeover of the government. Former president Muluzi's home was searched, but no illegal weapons were found at his residence. Leader of UDF in the National Assembly George Mtafu has continued to say his party is willing to negotiate over the impasse and the UDF, along with other opposition parties, restarted negotiations with government on May 15 that were still ongoing on May 16. Comment: While the alleged plot cannot be dismissed out of hand, the "evidence" released so far against the eight accused appears highly questionable. The timing of Mutharika's claims has led some to speculate that his ultimate goal may be to declare a state of emergency that would allow him to rule by decree without parliamentary approval for 28 days, long enough to approve next year's budget without dealing with the opposition's agenda. End Comment. End Summary.

Rally Comments Equate Section 65 to Treason

12. (SBU) During a May 11 rally, President Mutharika accused his predecessor, Bakili Muluzi, of planning to overthrow the government using Section 65 of the Constitution. Section 65 requires members of parliament who change parties after they are elected to vacate their seats. He used similar language in a collective briefing to the diplomatic corps on May 15, without reference to any vehicle other than Section 65 to "depose" the government. The President's aggressive comments at the rally surprised many observers who believed that the GOM had made a strategic shift toward negotiations with the opposition through talks that had begun only the week before.

Alleged Coup Plot Leads to Arrests - And Rumors Run Rampant

13. (SBU) On May 13, police arrested UDF secretary general

Kennedy Mwakangwala, former Blantyre mayor John Chikakwiya, former inspector general of the Malawi Police Service Joseph Aironi, former Malawi Police commissioner Matthews Masoapyola, and former commander of the Malawi Defense Force (MDF) Joseph Chimbayo. They were subsequently charged with treason. Both Chimbayo and Aironi were removed in 2005 by Mutharika for perceived loyalty to Muluzi. In addition, three active-duty military generals - Brig. Marcel Chirwa, Director of Personnel, Brig. Cosgrove Mituka, Inspector General of the MDF, and Brig. Juvenalis Mtende, Commander of the Zomba Air Wing - were also detained for questioning, but we do not believe they have been charged yet. State prosecutors have now asked for an extension of their detention from 48 hours to 14 days to complete their investigation. Asked about this series of arrests, Mutharika, on May 15, declined to elaborate beyond official releases. Despite rumors of a long list of additional arrest targets that included opposition party leaders, NGO leaders who have spoken out on the Section 65 issue, and more active duty police and military personnel, no further arrests have yet been made.

¶4. (SBU) Rumor also has it that government has issued an arrest warrant for Bakili Muluzi. Muluzi is currently in the United Kingdom, but his lawyer told emboff that he believes the former president will be arrested upon his return. This flies in the face of the announcement to the press by Minister of Home Affairs and Internal Security Ernest Malenga, that the government had no intelligence reports indicating either Muluzi, or Malawi Congress Party (MCP) leader John Tembo was in on the coup plot.

"Intercepted" Document Details Coup Plot

¶5. (C) Malenga claimed that the government had developed intelligence about a UDF plot to overthrow the government on

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May 16, 2008. The government is basing its claim on "top-secret" document supposedly intercepted from the UDF. The document, allegedly written by Kennedy Mwakangwala to Chimbayo, Aironi, Mituka, Chirwa, Mtende, and Mr. Chitsulo Gama, former leader of the Malawi National Intelligence Bureau, details the alleged coup plot. According to the letter, Plan "A" was to convince the Speaker of the National Assembly to invoke Section 65, giving MCP and UDF a two-third supermajority that would allow them to impeach President Mutharika. Once deposed, a new government with Muluzi as president and Tembo as vice-president would be installed. If this plan could not be realized by May 16, then the recipients were to move on to "Plan B" -- a military-led takeover of the government.

¶6. (C) According to the document, in Plan "B", Chimbayo was to mobilize retired and active-duty army officers still loyal to him in Lilongwe and Zomba with the assistance of Mituka, Chirwa, and Mtende. Aironi was to mobilize policemen and try to convince current Inspector General Kumbambe to side with the coup plotters. All were instructed to use finances to buy support and seek out those unhappy with their current ranks or salaries. Plan "B" called for six groups, Group 1 to secure the New State House in Lilongwe, Group 2 to secure Sanjika Palace (the presidential residence in Blantyre), Group 3 to take over Malawi Broadcasting Corporation (MBC) and Television Malawi (TVM) in Blantyre, and Group 4 to do the same in Lilongwe. Group 5 was charged with arresting current MDF commander Marko Chiziko and Group 6 with arresting cabinet ministers. These actions were to take place on May 16.

¶7. (C) Once taking over government and installing Muluzi as the new president, the document says the alleged plotters planned to justify their actions based on:

-- Mutharika's disregard of the rule of law, human rights,

and freedom of the press.

- Mutharika's robbing of civil servants of their pensions.
- Mutharika's favoritism toward Thyolo (his home town) and the Northern region for prime positions.
- Mutharika's food support for Zimbabwe and collaboration with Robert Mugabe.
- Mutharika's arresting of UDF officials "without offenses."
- Mutharika's instructions to MBC and TVM to broadcast programs insulting Muluzi.

(Comment: We have seen the document and disbelieve in toto its authenticity. End Comment.)

Muluzi's Home Searched, No Weapons Found

¶8. (SBU) On May 14, police attempted to enter Muluzi's home outside of Blantyre, but were stopped by Muluzi's guards (who are also active-duty police) due to Muluzi's absence and the lack of a search warrant. On May 15, police returned and two were allowed to search the premises. Despite MBC reports from the previous day that a large cache of weapons was at Muluzi's residence, only five guns belonging to Muluzi's security officers were found. In addition to Bakili Muluzi's residence, police have also searched the residence of Atupele Muluzi, the former president's son and a UDF MP.

UDF Cites Previous Treason Claims, Offers to Continue Talks

¶9. (SBU) In response to GOM claims about a plot, UDF leaders publicly pointed out that this is now the third time that President Mutharika has attempted to charge UDF members with treason. The first arrests were in January 2005 following a meeting at Sanjika Palace where three MPs were accused of having knives and a pistol in their vehicles. Charges were dropped and one MP successfully sued for 14,000 USD in damages. The second case involved vice-president Chilumpha, who has been under house arrest facing treason charges for attempted assassination of President Mutharika for over two years, but has yet to be tried. At the same time, the party's reaction has remained somewhat muted; George Mtafu, the UDF's leader in the National Assembly, downplayed the coup claims and continues to stress he is willing to meet with government to negotiate an end to the political impasse in the National Assembly. Talks between the government, the UDF, and other opposition parties were restarted May 15 and were still ongoing on May 16.

COMMENT: Peace and Patience Greet Suspect Evidence

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¶10. (C) Comment: In an eventful week, Malawians reacted with surprising calm to the claims of an attempted coup. There have been no demonstrations or reports of violence; locals seem more dismayed about the ongoing inaction in parliament than about a possible attempt to overthrow the president. The main impact has been frenetic gossip and speculation which have obscured what few facts there are, and have "connected the dots" between events that are probably not connected at all. The terrible Malawian press has contributed to the confusion. While it cannot be dismissed out of hand, the "evidence" released so far against the eight accused appears highly questionable. The "top secret" UDF document that details the takeover plan is suspiciously forthright about the alleged plotters plans and intentions, and its provenance is unknown. Additional evidence references a June 2008 meeting that has obviously not yet taken place. None of the documents are signed and the defense lawyers have pointed out it would be impossible to authenticate them.

¶11. (C) The timing of Mutharika's claims - just days after opposition leaders made it clear to him that they would compromise on, but not abandon, Section 65 - has led some to

speculate that Mutharika's ultimate goal may be to declare a state of emergency that would allow him to rule by decree without parliamentary approval for 28 days, long enough to approve next year's budget without dealing with the opposition's agenda. If the coup plot claims are ultimately proven false, however, they could well serve as a rallying cry for Malawi's demoralized opposition and reinvigorate the UDF going into next year's elections. End Comment.
EASTHAM